

REMARKS

The present amendment is submitted in response to the Office Action dated September 14, 2005, which set a three-month period for response, making this amendment due by December 14, 2005.

Claims 1-14 are pending in this application.

In the Office Action, the disclosure was objected to for various informalities. Claims 1-9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 2, 3, 5, 6, 8, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over DE 19914855.

The Applicants note with appreciation the allowance of claims 4-7 if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include the limitations of the base claim and any intervening claims.

In the present amendment, claims 4 and 7 have been rewritten in independent form as new claims 10 and 11, respectively, and to address the rejections under Section 112, second paragraph.

The specification was amended to add standard sectional headings, to delete reference to the claims, and to amend the term "U-bent" throughout.

The claims were amended throughout to address the remaining points raised under the Section 112, second paragraph, rejection.

New claims 13 and 143 include narrow limitations delete from claims 1 and 5, respectively, to avoid the use of "in particular" in each of these claims.

Claim 1 has been further amended to more clearly define the present invention over the cited art by reciting more broadly that the lever 30 includes at least one rigid engagement cam for securing the protective cover in place in a form-locking manner without play AND that the axis 34 is a geometrically precise axis.

New claim 12 includes all of the features of amended claim 1, but adds that a first end of the lever 30 is pivotable about the axis 34 and the second end of the lever 30 is accessible by an operator as a handgrip or pusher button.

The cited German patent shows only an elastic lever with a geometrically undefined pivot axis, which never could hold the hood in place when it is hit with a powerful shock.

In contrast, as defined in amended claim 1, the lever and the cam are rigid without play even under extreme conditions or shocks, which provides an important safety feature not provided by the cited references.

Because the cited German patent fails to include these features of amended claim 1, as well as new claim 12, the rejection under Section 102 must be withdrawn. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

For the reasons set forth above, the Applicants respectfully submit that all of claims 1-14 are patentable over the cited art. The Applicants further request

withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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